



Timothy O. Morgan
Executive Director

SEP 30 2002

September 30, 2002

VIA HAND-DELIVERY

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Request for information directed to Pennsylvania Hospital
in connection with the Lower Darby Creek Area Superfund Site

Dear Ms. Prisk:

I am writing on behalf of The Pennsylvania Hospital of the University of Pennsylvania Health System ("PAH"), to respond to an Environmental Protection Agency ("EPA") information request dated August 9, 2002 (the "Information Request"). This information request was sent by EPA in connection with the above-referenced Superfund site pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9604(e). The questions contained in enclosure F to the EPA's August 9, 2002 letter limit the period of time in question to the years 1958-1976.

As Brian Nishitani and in-house counsel for PAH, Kimberly Rest, agreed, PAH's response is due on or before September 30, 2002. The enclosed response sets forth PAH's answers to EPA's Information Request. PAH specifically reserves the right to amend or supplement its response to the Information Request to the extent that it deems necessary and permitted pursuant to paragraph 4 of Enclosure E to the Information Request.

Upon concluding its review of the EPA's request, PAH has not found any evidence to suggest that any hazardous waste generated at "locations owned or operated by PAH" was "transported to and disposed of at" the Lower Darby Creek Area Superfund Site. Specifically, PAH's internal records do not indicate that it might have contributed hazardous waste to this Superfund site.

PAH anticipates that the enclosed information satisfies EPA's request. Please do not hesitate to contact me if I can provide you with additional information.

Very truly yours,



Timothy O. Morgan
Executive Director

Enclosure

cc: Brendan K. Collins, Esquire (w/enclosure)
Kimberly V. Rest, Esquire (w/enclosure)

Pennsylvania Hospital's Response to EPA's August 9, 2002 Request for Information Pursuant to CERCLA Section 104(e)

1. State the name of your company, its mailing address, and telephone number. Further identify:
 - a. the dates and states of incorporation of your company;
 - b. the date and original state of incorporation of your company; and
 - c. the parent corporation of your company, if any, and all subsidiaries or other affiliated entities.

RESPONSE: The Pennsylvania Hospital of the University of Pennsylvania Health System (hereinafter "Respondent"). 800 Spruce Street, Philadelphia, Pennsylvania 19107, (215) 829-3000.

- a. The Pennsylvania Hospital of the University of Pennsylvania Health System is a Pennsylvania non-profit corporation, incorporated on April 30, 1997.
 - b. The Pennsylvania Hospital of the University of Pennsylvania Health System is the successor by merger to the Contributors to the Pennsylvania Hospital, a Pennsylvania non-profit corporation, founded on or around 1751. The effective date of this merger was October 29, 1997.
 - c. The Pennsylvania Hospital of the University of Pennsylvania Health System is one of several hospitals included in the University of Pennsylvania Health System, whose parent is The Trustees of the University of Pennsylvania.
2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.

RESPONSE: Respondent has been, at all times since October 29, 1997, an acute care hospital providing medical services to its patients. By way of further answer, Respondent responds that it provides such services as in-patient and outpatient care. Prior to its merger into The Pennsylvania Hospital of the University of Pennsylvania Health System in 1997, and specifically during the period of 1958 to 1976, the Contributors to the Pennsylvania Hospital was a hospital providing medical services.

- a. The Pennsylvania Hospital of the University of Pennsylvania Health System is a Pennsylvania non-profit corporation, incorporated on April 30, 1997.
 - b. The Pennsylvania Hospital of the University of Pennsylvania Health System is the successor by merger to the Contributors to the Pennsylvania Hospital, a Pennsylvania non-profit corporation, founded on or around 1751. The effective date of this merger was October 29, 1997.
 - c. The Pennsylvania Hospital of the University of Pennsylvania Health System is one of several hospitals included in the University of Pennsylvania Health System, whose parent is The Trustees of the University of Pennsylvania.
3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.

RESPONSE: After reasonable inquiry, to the best of Respondent's knowledge, Respondent has no information responsive to this request other than as follows: James T. Soley, Sr., former Assistant **Manager** of Environmental Services (approximately 11/15/72 – 11/30/73) and former Director of Environmental Services (approximately 3/24/75 – 3/25/94) and whose last known address was [REDACTED]; Harold Hobby, former Assistant of Environmental Services (for an unknown period prior to 1975) and whose last address, after reasonable investigation, is unknown; and Alfred Adams, former Assistant Director of Environmental Services (for an unknown period prior to 1975) and whose last known address was [REDACTED]

4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania areas from 1958 to the present. For each owner and operator further provide:
- the dates of their operation;
 - the nature of their operation; and
 - all information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).

RESPONSE:

- Respondent incorporates by reference its response to Question 1.
 - Respondent incorporates by reference its response to Question 2.
 - After reasonable investigation, to the best of its knowledge, Respondent possesses no information or documents responsive to this request.
5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.
- Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
 - Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and
 - Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.

RESPONSE: After reasonable investigation, to the best of its knowledge, Respondent possesses no documents or other information responsive to this request.

6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958

and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:

- a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
- b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
- c. The annual quantity of each such hazardous substance used generated, purchased, stored, or otherwise handled;
- d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
- e. The types and sizes of containers in which these substances were transported and stored; and
- f. The persons or companies that supplied each such hazardous substance to your company.

RESPONSE: After reasonable investigation, to the best of its knowledge, Respondent possesses no information responsive to this request. By way of further answer, Respondent responds that, upon information and belief, to the best of its knowledge, in the provision of medical services, it may have used products typically used in the provision of such services, including, by way of example only, paper/stationery products, office supplies, medical supplies and housekeeping supplies.

- a. After reasonable investigation, to the best of its knowledge, Respondent possesses no information responsive to this request.
- b. After reasonable investigation, to the best of its knowledge, Respondent possesses no information regarding the individual constituents of each of the particular products it may have used from 1958-1976.
- c. After reasonable investigation, to the best of its knowledge, Respondent possesses no information responsive to this request.
- d. After reasonable investigation, to the best of its knowledge, Respondent possesses no information responsive to this request.
- e. After reasonable investigation, to the best of its knowledge, Respondent possesses no information responsive to this request.
- f. After reasonable investigation, to the best of its knowledge, Respondent possesses no information responsive to this request.

7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:

- a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
- b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;
- c. The annual quantities of each such by-product and waste generated, sorted, transported, treated, disposed of, released, or otherwise handled;
- d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
- e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
- f. The location and method of treatment and/or disposal of each such by-product or waste.

RESPONSE: After reasonable inquiry, to the best of its knowledge, Respondent possesses no information responsive to this request. By way of further answer, upon information and belief, Respondent may have generated hazardous and non-hazardous waste. The non-hazardous waste may have consisted of solids and liquids, including, by way of example, cardboard, office paper, cans, minor building debris, and food waste. Included in the category of hazardous waste may have been wastes generated by the pathology department.

- a. After reasonable investigation, to the best of its knowledge, Respondent has no information regarding the process(es) in which each such by-product or waste was generated, stored, transported, treated, disposed of, released, or otherwise handled.
- b. After reasonable investigation, to the best of its knowledge, Respondent has no information regarding the chemical composition, characteristics, and physical state of each such by-product or waste it generated.
- c. After reasonable investigation, to the best of its knowledge, Respondent has no information responsive to this request.
- d. After reasonable investigation, Respondent has no information regarding the description of containers used to treat, store or dispose of hazardous waste.
- e. After reasonable investigation, Respondent has no information regarding the disposal of its waste during the relevant time period.
- f. Upon information and belief, Respondent has always understood that the waste disposal companies it utilized to dispose of its waste did so in accordance with all applicable local, state and federal statutes, regulations and other laws in effect at the time of their activities. Respondent has no other information responsive to this request.

8. Did Pennsylvania Hospital ever contract with, or make arrangements with any of the following entities, for the removal or disposal of waste from your facilities/establishments in the Philadelphia area between 1958 and 1976:

- a. Folcroft Landfill Corporation;
- b. Bernie McNichol;
- c. Edwin Mullin;
- d. Clearview Land Development Corporation;
- e. Edward or Richard Heller;
- f. Tri-County Hauling;
- g. Eastern Industrial Corporation;
- h. Marvin Jonas or Jonas Waste Removal;
- i. Bernard McHugh or McHugh Trash Company;
- j. S. Buckly (ey) Trash Hauling;
- k. City Wide Services, Inc.;
- l. Gene Banta of Gene Banta Trash Removal;
- m. Schiavo Brothers;
- n. Charles Crumley or Crumley Waste;
- o. Harman or Harway Trash;
- p. Oil Tank Lines;
- q. Paolino Company;
- r. Charles Crawley Waste Hauling;
- s. Ed Lafferty and Son;
- t. Bazzarie Trash Company;
- u. Sparky Barnhouse or ABM Disposal Services Company; and
- v. Any other individual, company, or municipality.

RESPONSE:

- a. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Folcroft Landfill Corporation during the period of 1958-1976.
- b. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Bernie McNichol during the period of 1958-1976.
- c. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Edwin Mullin during the period of 1958-1976.
- d. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Clearview Land Development Corporation during the period of 1958-1976.
- e. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Edward or Richard Heller during the period of 1958-1976.

- f. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Tri-County Hauling during the period of 1958-1976. However, information provided by the EPA indicates that Respondent may have made arrangements with Tri-County Hauling in 1976.
- g. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Eastern Industrial Corporation during the period of 1958-1976.
- h. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Marvin Jonas or Jonas Waste Removal during the period of 1958-1976.
- i. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Bernard McHugh or McHugh Trash Company during the period of 1958-1976.
- j. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with S. Buckly (ey) Trash Hauling during the period of 1958-1976.
- k. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with City Wide Services, Inc. during the period of 1958-1976.
- l. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Gene Banta of Gene Banta Trash Removal during the period of 1958-1976.
- m. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Schiavo Brothers during the period of 1958-1976.
- n. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Charles Crumley or Crumley Waste during the period of 1958-1976.
- o. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Harman or Harway Trash during the period of 1958-1976.
- p. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Oil Tank Lines during the period of 1958-1976.
- q. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Paolino Company during the period of 1958-1976.

- b. Timothy O. Morgan, Executive Director
Pennsylvania Hospital
800 Spruce Street
Philadelphia, PA 19107
(215) 829-6748

With a copy to:

Kimberly V. Rest, Esquire
Office of the General Counsel
University of Pennsylvania
133 S. 36th Street, Suite 300
Philadelphia, PA 19104

17. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a. Your document retention policy;
 - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents; and
 - d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

RESPONSE:

- a. Respondent responds that, upon information and belief, to the best of its knowledge, it did not have a document retention policy during the relevant time period. By way of further answer, Respondent responds that, upon information and belief, upon the merger of the Contributors to the Pennsylvania Hospital into The Pennsylvania Hospital of the University of Pennsylvania Health System in 1997, many of the historical documents relating to Respondent's operations pre-1997 were destroyed.
- b. Upon information and belief, depending upon the content of the documents, they may have been either incinerated, shredded or discarded in the non-hazardous municipal waste stream.
- c. See response to Question 17.a.

- d. After reasonable investigation, to the best of its knowledge, Respondent does not have any information responsive to this request.

- r. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Charles Crawley Waste Hauling during the period of 1958-1976.
 - s. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Ed Lafferty and Son during the period of 1958-1976.
 - t. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Bazzarie Trash Company during the period of 1958-1976.
 - u. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with Sparky Barnhouse or ABM Disposal Services Company during the period of 1958-1976.
 - v. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it contracted with any other individual, company, or municipality for waste disposal services during the period of 1958-1976.
9. For each of the above identified entities with whom Pennsylvania Hospital contracted or made arrangements with for waste removal and/or disposal, please identify the following:
- a. The person with whom you made such a contract or arrangement;
 - b. The date(s) on which or time period during which such material was removed or transported for disposal;
 - c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - d. The annual quantity (number of loads, gallons, drums) of such material;
 - e. The manner in which such material was containerized for shipment or disposal;
 - f. The location to which such material was transported for disposal;
 - g. The person(s) who selected the location to which such material was transported for disposal;
 - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and
 - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.

RESPONSE: Respondent incorporates by reference its response to Question 8 with respect to Tri-County Hauling based on the documentation provided by the EPA.

- a. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request.

- b. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request other than that contained in the documents provided by the EPA.
 - c. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request other than that contained in the documents provided by the EPA.
 - d. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request.
 - e. After reasonable investigation, upon information and belief, Respondent has no information as to the containerization of the waste material other than that contained in the documents provided by the EPA.
 - f. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request.
 - g. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request.
 - h. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request.
 - i. After reasonable investigation, upon information and belief, Respondent has no information responsive to this request. The only documents relating to billing that Respondent has knowledge of are those provided by the EPA.
10. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:
- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
 - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
 - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.

RESPONSE:

- a. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that any individual disposed of or treated materials at Clearview, Folcroft, or Folcroft Annex or other areas of the Site.
- b. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that any person arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site.
- c. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that any person arranged for the transportation of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site.

11. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
- a. the date(s) on which such material was disposed of or treated at the Site;
 - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e. liquid, solid, or gas);
 - c. The annual quantity (number of loads, gallons, drums) of such material;
 - d. The specific location on the Site where such material was disposed of or treated; and
 - e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company' or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.

RESPONSE:

- a. After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that any material was disposed of or treated at Clearview, Folcroft and Folcroft Annex or any other areas of the Site.
 - b. See response to Question 11.a.
 - c. See response to Question 11.a.
 - d. See response to Question 11.a.
 - e. See response to Question 11.a.
12. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. The date(s) the spill(s)/release(s) occurred;
 - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
 - c. The response made by you or on your behalf with respect to the spills(s)/release(s); and
 - d. The packaging, transportation, and final disposition of the materials which were spilled/released.

RESPONSE: After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it spilled or caused a release of chemicals, hazardous substances, hazardous waste or non-hazardous solid waste at any portion of Clearview, Folcroft or Folcroft Annex or any other portion of the Site.

13. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal

transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same person identified by your answer to question 3, so indicate.

RESPONSE: Please see response to question 3.

14. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex, or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.

RESPONSE: After reasonable investigation, to the best of its knowledge, Respondent possesses no records that indicate that it ever conducted an environmental assessment or investigation relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site.

15. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

RESPONSE: After reasonable investigation, to the best of its knowledge, Respondent does not have any information about other parties who may have information that may assist the EPA in its investigation of the Site.

16. Representative of your establishment(s):
- a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.
 - b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.

RESPONSE:

- a. Timothy O. Morgan, Executive Director
Pennsylvania Hospital
800 Spruce Street
Philadelphia, PA 19107
(215) 829-6748